

1 BRIAN JOHNSRUD, State Bar No. 184474
2 JENNIFER A. LOCKHART, State Bar No. 236972
3 MORGAN, LEWIS & BOCKIUS LLP
4 2 Palo Alto Square
5 3000 El Camino Real, Suite 700
Palo Alto, CA 94306-2122
Tel: 650.843.4000
Fax: 650.843.4001
E-mail: bjohnsrud@morganlewis.com

6 Attorneys for Defendants
7 BENETO BULK TRANSPORT and KENAN
ADVANTAGE GROUP, INC.

8 ANTONIO M. LAWSON, State Bar No. 140823
9 LAWSON LAW OFFICES
10 160 Franklin Street, No. 204
Oakland, CA 94607
Tel: 510.419.0940
11 Fax: 510.419.0948
E-mail: tony@lawsonlawoffices.com

12 Attorneys for Plaintiffs
13 RON MOWDY and JOAQUAN HARVEY

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 RON MOWDY, JOAQUAN HARVEY,
19 individually named and on behalf of all
others similarly situated,

20 Plaintiffs,

21 vs.

22 BENETO BULK TRANSPORT, KENAN
23 ADVANTAGE GROUP, INC.,

24 Defendants.

25 Case No. C06-05682 MHP

26 **STIPULATION AND [PROPOSED] ORDER TO EXTEND DEFENDANTS' DEADLINE TO FILE A RESPONSIVE PLEADING AND TO CONTINUE CERTAIN PRELIMINARY LITIGATION DEADLINES**

27 **CLASS ACTION**

28 Complaint Filed: September 15, 1006

1 Plaintiffs Ron Mowdy and Joaquan Harvey ("Plaintiffs") and Defendants Beneto Bulk
 2 Transport and Kenan Advantage Group, Inc. ("Defendants") (collectively, the "Parties"), by and
 3 through their respective counsel of record, file this Stipulation and Proposed Order to Extend
 4 Defendants' Deadline to File A Responsive Pleading and to Continue Certain Preliminary
 5 Litigation Deadlines:

6 WHEREAS, Plaintiffs' Complaint was filed on September 15, 2006;

7 WHEREAS, Plaintiffs' counsel and in-house counsel for Defendant Kenan Advantage
 8 Group, Inc. engaged in certain preliminary case discussions before Plaintiff attempted to serve the
 9 Complaint;

10 WHEREAS, Defendants' counsel, Morgan, Lewis & Bockius LLP, became engaged in
 11 this litigation in late December 2006;

12 WHEREAS, through an agreement with Plaintiffs' counsel, Defendants' counsel accepted
 13 service of Plaintiffs' Complaint effective January 2, 2007;

14 WHEREAS, the Initial Case Management Conference was originally scheduled for
 15 January 29, 2007;

16 WHEREAS, the Parties have met and conferred and agreed to extend Defendants'
 17 deadline to file a responsive pleading to February 21, 2007;

18 WHEREAS, neither party will be prejudiced as a result of extending Defendants' deadline
 19 to file a responsive pleading;

20 WHEREAS, the parties have met and conferred and agreed to continue the Initial Case
 21 Management Conference to March 5, 2007, at 4:00 p.m., which the Parties are told by the Court's
 22 clerk is an available date;

23 WHEREAS, neither party will be prejudiced as a result of continuing the Initial Case
 24 Management Conference to March 5, 2007;

25 WHEREAS; the parties' stipulation to extend Defendants' deadline to file a responsive
 26 pleading and to continue the hearing date for the Initial Case Management Conference does not
 27 alter any other date of any event or any deadline already fixed by Court order, except for the dates
 28 that correspond with the Initial Case Management Conference (including meeting and conferring

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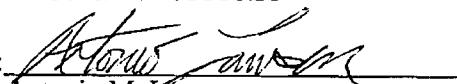
1 on ADR, serving initial disclosures, and preparing and filing the Joint Case Management
 2 Conference Statement);

3 GOOD CAUSE exists to extend Defendants' deadline to file a responsive pleading until
 4 February 21, 2007, and to continue the Initial Case Management Conference until March 5, 2007,
 5 at 4:00 p.m.;

6 IT IS HEREBY STIPULATED between Plaintiffs and Defendants that Defendants'
 7 deadline to file a responsive pleading be extended until February 21, 2007, that the Initial Case
 8 Management Conference be continued to March 5, 2007, at 4:00 p.m., and that all dates that
 9 correspond with the date of the Initial Case Management Conference are similarly continued.

10 Dated: January 4, 2007

LAWSON LAW OFFICES

11 By: 
 12 Antonio M. Lawson

13 Attorneys for Plaintiffs
 14 RON MOWDY and JOAQUAN HARVEY

15 Dated: January 5, 2007

MORGAN, LEWIS & BOCKIUS LLP

16 By: 
 17 Brian L. Johnsrud

18 Attorneys for Defendants
 19 BENETO BULK TRANSPORT and
 20 KENAN ADVANTAGE GROUP, INC.

21 **ORDER**

22 IT IS ORDERED that Defendants' deadline to file a responsive pleading be extended until
 23 February 21, 2007, and the Case Management Conference in this matter be continued from
 24 January 29, 2007, to March 5, 2007, at 4:00 p.m., and that all case management dates that
 25 correspond with the date of the Initial Case Management Conference are similarly continued.

26 Dated: 1/8/07



27 Honorable Marilyn H. Patel